



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

960 CONT. PETITION NO. 372 OF 2024
IN WP/10089/2021

Yashoda Uttamrao Rathod

VERSUS

The State Of Maharashtra Through Its Secretary School Education And
Sports Department Mantralaya

...

Advocate for the Petitioner : Mr. Kulkarni Suvidh S.

AGP for Respondents/State : Mr. G.O. Wattamwar

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 10.04.2024

PER COURT :

By way of this contempt proceeding, the original petitioners that is the management and in-charge headmaster are alleging that the respondents have committed breach of the interlocutory order passed in the writ petition whereby they were directed not to take coercive steps pursuant to the order impugned in the writ petition.

2. We have heard both the sides.

3. The order which has been impugned in the writ petition *inter alia* considers the case of the respondent no. 6 for absorption having been rendered surplus elsewhere.

4. Apart from the fact that the substantive writ petition is still pending, we do not see any prohibition against the respondents-Education Officer (Primary) and Deputy Director in undertaking any further enquiry into the rights of the respondent no. 6. What has been prohibited is, any coercive action pursuant to the order impugned in the writ petition. That stage is still

to occur.

5. Learned advocate for the petitioners would point out that subsequently, in spite of the petition being pending, the Education Officer (Primary) has undertaken an enquiry and has considered the case of the respondent no. 6 granting approval to her appointment when she has not been working with the petitioner no. 1.

6. We are afraid, this could give rise to an independent cause, but undertaking an enquiry and passing the order by the Education Officer (Primary) can hardly be said to be a coercive step against the petitioner much less in the light of the order impugned in the writ petition.

7. Needless to state that it would always be open for the petitioners to challenge the latest order passed by the Education Officer (Primary) on 23.02.2024.

8. Be that as it may, in our considered view, it cannot be said that order passed by the Court has been disobeyed.

9. The Contempt Petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-